

or indirectly by word act or deed given any aid comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof—every man who has not been in every period of his past history truly and loyally on the side of the United States shall be forever debarred from holding any office of profit or trust in this State.”

Do gentlemen remember our action here on Saturday? Have they forgotten the debate that was then had on section sixth of the article on the elective franchise? Was not the argument advanced by my friend from Baltimore city that it was perfectly right and proper to punish the men who had gone to the penitentiary for committing larceny or any other infamous crime, and to follow him out and still exclude him from the ballot box and from holding office? Upon what ground was he to be punished? Will gentlemen tell me that it is no punishment to me? Will my friend put himself in my case and ask himself the question, is it no punishment to him as a Marylander to hermetically seal against him the doors of office, and to exclude him from the discharge of the most inestimable privilege of the American freeman, the elective franchise?

I insist that if a proper case were to be made under this oath, or this portion of it which is in the past tense, going into the history of the past, it would be declared void and unconstitutional, because it conflicts with the well settled principles which are recognized by our State and federal constitutions.

The men who sat in these halls in 1850 put the oath which we find in this book of the constitutions in the present constitution of Maryland; and which contains this clause:

“And that, since the adoption of the present constitution, I have not in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given.”

Can it be that that limitation was introduced upon any other ground than that the intelligent lawyers of that day who sat in this hall, knew and felt and so acted, that they had no right to incorporate an oath into the constitution of the State which looked to a man's past history, in other words a retrospective oath? I say then, sir, that so much of my friend's proposition to amend as is contained in these words—“that I have never directly or indirectly by word, act or deed given any aid, comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly and loyally on the side of the United States against those in armed rebellion against the United States”—is unconstitutional and void.

Sufficient has been said, if anything can deter gentlemen from a course upon which they are resolved; and I do not wish to add anything whatever to it. Gentlemen may

attempt to meet the argument I have drawn from other constitutions, and I believe I might go through the whole book and find an exact conformity with the principles I laid down, that they were incorporated under a different set of circumstances; that the times have changed and men must change with them. I desire to call my friends attention in this connection to the constitution of West Virginia. I remember that when the celebrated fourth article of the bill of rights was under discussion, that the argument was made on the opposite side of the house, when the minority claimed that it was unusual and unheard of to engraft such a provision, of the paramount allegiance of citizens of a State to the federal government, into the constitution of the State, the argument was made on the other side that there was no necessity in past times of introducing it, that we must act for the living present. And the constitution of West Virginia was referred to, which provides in its first section as follows:

“The State of West Virginia shall be and remain one of the United States of America. The constitution of the United States, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.”

That has been quoted on the other side to show that men in framing a constitution since the inauguration of this civil war felt it to be a duty incumbent upon them to put in a provision of that kind into the constitution, similar to the fourth article of our bill of rights.

Now, I wish to call the attention of my friend to the fact that in West Virginia under precisely the same circumstances as regards the civil war, and no longer ago than last year, while preparing a constitution for a State carved out of the very heart of treason, out of the very back-bone of the rebellion, because we all know that Virginia may properly be described as such, adopted the following provision in that constitution; which will be found on page 639, of the book of constitutions, in article three:

“The white male citizens of the State shall be entitled to vote at all elections held within the election districts in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote for thirty days next preceding such offer, shall be permitted to vote while such disability continues.”

There you have the true ground upon which this should rest. No man should be allowed to vote who has been convicted of treason. Why not, I pray you, let this stand upon the same ground where you have placed the offence of larceny and the other infamous crimes? Why not let conviction according